

REMARKS

Claims 1–8, 11–20, 25–27 and 31–33 are pending in the present application.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 103 (Obviousness)

Claims 1–6, 8, 14–17, 19–20, 25–27 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,933,569 to *Sawabe et al* in view of U.S. Patent No. 5,999,698 to *Nakai et al*. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sawabe et al* in view of U.S. Patent No. 5,987,417 to *Heo et al*. Claims 7, 12–13 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sawabe et al* in view of *Heo et al* and further in view of U.S. Patent No. 5,825,884 to *Zdepski et al*. Claims 18 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sawabe et al* in view of U.S. Patent No. 5,642,171 to *Baumgartner et al*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-123 (8th ed. rev. 1 February 2003). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id*.

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142 at p. 2100-124.

Independent claims 1, 20 and 25 each recite a file reader capable of obtaining any of one or more encoded audio/video data streams from a data source utilizing a file system, and a file navigator enabling selection of a particular file on the data source and instructing the file reader to obtain a selected encoded audio/video data stream from the data source. Such features are not found in the cited references, taken alone or in combination. As conceded in the Office Action, such features are not found in *Sawabe et al.* In addition, such features are not found in *Nakai et al.* The cited portion of *Nakai et al* actually relates to navigating chapters within a video sequence, not files within a file system:

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<82>During normal reproduction, the ten-key pad is used to designate a chapter number in the currently reproduced title. When the key-key input is confirmed (the operation of the enter key), a chapter having the designated number is searched (this search operation can be performed with title number key T to be described later). An absent chapter number is not accepted.

<83>During the stop, the ten-key pad can be used to designate a chapter number in the selected title. When a ten-key input is confirmed, a chapter having the designated number is searched (this search operation can be performed with title number key T). An absent chapter number cannot be accepted.

Nakai et al, column 33, lines 10–21. *Nakai et al* contains no description equating different chapters with different files. To the contrary, *Nakai et al* describes the file structure of data recording region

as containing different video sequences or “video title sets” in different files or file sets, where one video title set may be stored in up to nine files, maximum, segmented along boundaries of logical sectors containing data for the video sequence. *Nakai et al*, column 41, line 62 through column 42. However, *Nakai et al* does not contain any teaching or suggestion of a file navigator enabling a user to select from among the files. Instead, the files are merely used for continuous, seamless playback of a given video title set, with the capability to switch between different perspectives or “angles” during playback.

Therefore, the rejection of claims 1–8, 11–20, 25–27 and 31–33 under 35 U.S.C. § 103 has been overcome.

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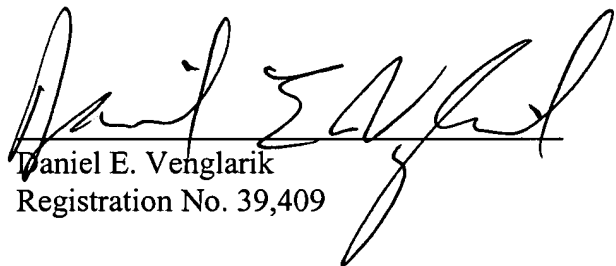
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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